

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Hannah Sampson	Team: Squad #8	CCRB Case #: 201804257	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 05/03/2018 1:00 PM	Location of Incident: In front of the § 87(2)(b) on Randall's Island	Precinct: 25	18 Mo. SOL 11/3/2019	EO SOL 11/3/2019	
Date/Time CV Reported Tue, 05/22/2018 9:18 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 05/29/2018 11:04 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DTS David Ross	3166	921725	023 PCT
2. DTS Michael Mccurty	6999	913673	PBMN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM David Dibenedetto	27123	936492	024 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DTS Michael Mccurty	Abuse: Detective Michael McCurty made a sexually suggestive remark to § 87(2)(b)	
B.DTS David Ross	Abuse: Detective David Ross made a sexually suggestive remark to § 87(2)(b)	
C.DTS David Ross	Abuse: Detective David Ross made a sexually suggestive gesture towards § 87(2)(b)	
D.DTS Michael Mccurty	Abuse: Detective Michael McCurty made sexually suggestive remarks to § 87(2)(b)	
E.DTS Michael Mccurty	Abuse: Detective Michael McCurty propositioned § 87(2)(b)	
F.DTS Michael Mccurty	Abuse: Detective Michael McCurty propositioned § 87(2)(b)	

Case Summary

On May 22, 2018, Deputy Inspector Theodore Federoff of the 25th Precinct filed this complaint with IAB via telephone [BR 01] after receiving a letter from the New York City Parks Department regarding a complaint filed by § 87(2)(b) [BR 02]. IAB generated original log number 18-19883 for the complaint [BR 03]. The CCRB received the complaint on May 29, 2018.

On May 3, 2018, at approximately 1:00 p.m., § 87(2)(b) and § 87(2)(b) were working at the § 87(2)(b) on Randall's Island in Manhattan. Three officers, including Det. David Ross of the 23rd Precinct, Det. Michael McCurty of Patrol Borough Manhattan North, and PO David DiBenedetto of the 24th Precinct were assigned to a footpost near § 87(2)(b) and § 87(2)(b). After complimenting § 87(2)(b)'s work at the fair, Det. McCurty allegedly stated that she had a "nice smile" (**Allegation A: Abuse of Authority**, § 87(2)(g)). Det. Ross allegedly said that § 87(2)(b) looked "pretty" and looked her up and down (**Allegations B and C: Abuse of Authority**, § 87(2)(g)). Det. McCurty allegedly referred to § 87(2)(b) as "pretty" and "good looking" and allegedly asked if she had used her "feminine wiles" to get extra sugar in her coffee (**Allegation D: Abuse of Authority**, § 87(2)(g)). Det. McCurty offered to purchase coffee for § 87(2)(b) and § 87(2)(b) (**Allegations E and F: Abuse of Authority**, § 87(2)(g)). No summonses were issued and no arrests were made during this encounter and the CCRB does not possess any video footage of the incident.

Findings and Recommendations

Allegation A: Abuse of Authority – Detective Michael McCurty made a sexually suggestive remark to § 87(2)(b)

Allegation B: Abuse of Authority: Detective David Ross made a sexually suggestive remark to § 87(2)(b)

Allegation C: Abuse of Authority: Detective David Ross made a sexually suggestive gesture towards § 87(2)(b)

Allegation D: Abuse of Authority: Detective Michael McCurty made sexually suggestive remarks to § 87(2)(b)

Allegation E: Abuse of Authority: Detective Michael McCurty propositioned § 87(2)(b)

Allegation F: Abuse of Authority: Detective Michael McCurty propositioned § 87(2)(b)

It is undisputed that Det. McCurty offered to purchase coffee for § 87(2)(b) and § 87(2)(b) and that Det. Ross looked § 87(2)(b) up and down over the course of this incident. § 87(2)(g)

§ 87(2)(b) was interviewed at the CCRB on June 18, 2018 [BR 04]. She stated that two officers, identified by the investigation as Det. Ross and Det. McCurty, approached while she was working as a staffer for the § 87(2)(b) on Randall's Island. She said that after assisting a handicapped client, Det. McCurty commended her for her hospitality and told her that she had a nice smile. During her interaction with the detectives, Det. Ross commented that she looked pretty. § 87(2)(b) felt that Det. Ross had a "sexual energy" and was trying to "hit on her" because of the way he looked her up and down. § 87(2)(b) began talking about food and the detectives commented about how much they enjoyed nitro brew coffee and said that they just sent someone off Randall's Island to get the coffee. An officer, identified by the investigation as Det. McCurty, said that if the women wanted any coffee, he could call and add to their order. § 87(2)(g)

§ 87(2)(b) did not interpret this as anything other than him offering her a coffee; however, she did not want the officers buying her anything or helping her out or doing her a favor. § 87(2)(b) and § 87(2)(b) declined the coffee offer multiple times. § 87(2)(b) believed that once the coffee was purchased, Det. McCurty tried to hand his coffee to § 87(2)(b) while Det. Ross took the lid off his cup while saying, “You sure?” The women declined and Det. McCurty then poured some of his coffee into another cup for § 87(2)(b) to try. During her interview with the CCRB, § 87(2)(b) volunteered that she was drugged in the past and became scared when the officers insisted that she ingest something. She added that she felt the most inappropriate point of the encounter was when the officers continued offering them their coffees.

§ 87(2)(b) was identified as a witness to this incident. He provided a phone statement on August 7, 2018 [BR 05]. He alleged that Det. McCurty referred to § 87(2)(b) as “pretty” and “good looking” and alleged that Det. McCurty asked if she used her “feminine wiles” to get extra sugar in her coffee. Contact attempts were exhausted to § 87(2)(b) [BRs 06 through 20]. She did not cooperate with the investigation and did not provide any statement to the CCRB regarding this incident.

Det. McCurty was interviewed at the CCRB on September 20, 2018 [BR 21]. He stated that he engaged in a casual conversation with § 87(2)(b) and § 87(2)(b). He denied that he commended § 87(2)(b) on her job performance and denied that he said she had a nice smile. He said that he spoke with § 87(2)(b) about what restaurants she likes and about her career as an actress. Det. McCurty did not recall commenting that § 87(2)(b) was “good looking” and initially denied commenting that she was “pretty.” He later said that he was unsure. Det. McCurty was not aware of making any comments regarding any female’s physical appearance or attractiveness. Det. McCurty acknowledged that he asked § 87(2)(b) if she had ever tried nitro brew coffee and said that an officer, identified by the investigation as PO DiBenedetto, was going on a “coffee run” so Det. McCurty asked him to get coffee for everyone, including the other officers that were working and for § 87(2)(b) and § 87(2)(b). Det. McCurty asked both women if they wanted to try the coffee and § 87(2)(b) said, “Sure.” Det. McCurty believed § 87(2)(b) also said she would try the coffee but was unsure. Det. McCurty was not aware of any female declining the offer. Aside from wanting the women to try the coffee, there was no other motivation or intention in adding them to his order. When PO DiBenedetto came back with the coffee, he was one or two short. Det. McCurty told § 87(2)(b) that they did not have enough, but that if she wanted to go get a cup he would give her some of his so she could try it. § 87(2)(b) went into the festival tent and came back a few minutes later and told Det. McCurty she could not find a cup so he kept the coffee for himself. Det. McCurty did not know if Det. Ross officer attempted to share his beverage with § 87(2)(b). Det. McCurty denied that he used the phrase “feminine wiles” in any context and said he never used that expression “in [his] life.” Det. McCurty denied hearing Det. Ross refer to § 87(2)(b) as “pretty” and denied hearing Det. Ross make any comments regarding a female’s appearance or attractiveness. He also denied that he observed Det. Ross leering at § 87(2)(b) in any way. Det. McCurty denied that there was any sexual motivation behind any of his interactions with § 87(2)(b) and § 87(2)(b).

Det. Ross was interviewed at the CCRB on October 5, 2018 [BR 22]. He was consistent that he made casual conversation with § 87(2)(b) and § 87(2)(b) and recalled that Det. McCurty told a female, identified by the investigation as § 87(2)(b) that it was nice how she got a cart to assist an elderly couple. However, Det. Ross did not recall hearing Det. McCurty say that she had a nice smile. Det. Ross was also consistent that Det. McCurty offered to buy coffee for everyone (approximately eight individuals) that were positioned at the post, including § 87(2)(b).

§ 87(2)(b) and Det. Ross. Det. Ross added that Det. McCurty “really wanted” one of the coffees and was “excited” about it. Det. McCurty did not tell Det. Ross why he was getting the coffees, but Det. Ross volunteered that Det. McCurty likes helping people and that’s just “how he is” as a Community Affairs officer. Det. Ross did not specifically recall the women’s response to the offer, but believed it was something to the effect of, “No, it’s fine. You don’t need to buy anything for me.” Det. Ross did not recall which female made the statement, but believed that a few people in the group said something to that effect and did not seem to want Det. McCurty going out of his way for them. Det. Ross did not attempt to share his beverage with either woman and did not hear Det. McCurty offer a coffee to one of the women once it arrived. Det. Ross did not deny looking either woman up and down and said that he looked at them as they engaged in conversation, as he does with everyone. He further said that it is part of his job to look at people he is speaking with. However, he denied that he ever leered at § 87(2)(b) and denied that there was any sexual motivation behind any part of his interaction with the women. Det. Ross did not hear Det. McCurty refer to § 87(2)(b) as “good looking” or “pretty” and did not hear him make any comments regarding a female’s attractiveness, physical appearance, or anything to that effect. He further stated that he did not hear Det. McCurty use the phrase “feminine wiles” in any capacity during this encounter. Det. Ross denied that he referred to § 87(2)(b) as “pretty” and denied that he made any comments regarding a female’s appearance or attractiveness.

PO DiBenedetto was interviewed at the CCRB on November 1, 2018 [BR 23]. He stated that he stood approximately 10 to 15 feet away from § 87(2)(b) and the detectives and said that the only conversation he clearly overheard was when Det. McCurty offered to buy coffee for the group. He did not hear how § 87(2)(b) or § 87(2)(b) responded to the offer and did not see Det. McCurty or Det. Ross attempt to share their coffee with either female. He did, however, hear Det. McCurty tell § 87(2)(b) that she could have some of his coffee. PO DiBenedetto did not hear Det. McCurty comment that § 87(2)(b) was “good looking” or “pretty” and did not hear Det. McCurty comment that § 87(2)(b) had a nice smile. He further did not hear Det. McCurty use the phrase “feminine wiles” in any context. PO DiBenedetto did not hear Det. Ross comment that § 87(2)(b) was pretty and said he did not hear Det. Ross or Det. McCurty make any comments regarding either female’s appearance or attractiveness. PO DiBenedetto did not observe Det. Ross look § 87(2)(b) up and down or see him leering at § 87(2)(b) in any way. Neither detective expressed any interest in either of the women to him.

As noted above, the CCRB does not possess any video footage of this incident.

§ 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] have been a party [BRs 24, 25, and 26, respectively].
- Det. Ross has been a member of service for 20 years and has been a subject in four prior CCRB complaints and six allegations, none of which were substantiated.
- Det. McCurdy has been a member of service for 28 years and has been a subject in one prior CCRB complaint and one previous allegation which was not substantiated.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- A Notice of Claim request was filed on November 7, 2018, and will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
[REDACTED]
[REDACTED]

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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